

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND)
COMPOUNDING PHARMACY, INC.)
PRODUCTS LIABILITY LITIGATION)
This Document Relates to:) **MDL No. 1:13-md-2419**
All Suits Naming Special Surgery Center) **Judge Rya Zobel**
)

**PLAINTIFFS' STEERING COMMITTEE'S NOTICE OF FILING SECOND
CORRECTED PROPOSED QUALIFIED PROTECTIVE ORDER**

On May 3, 2015, the PSC and third party Cumberland Medical Center (“CMC”) filed a joint motion (D.E. 2841) for the entry of a protective order relating to information sought by the PSC’s subpoena to CMC, along with the proposed protective order (D.E. 2842). Counsel for the Specialty Surgery Defendants¹ thereafter contacted the PSC and Cumberland to express concern that the Court might construe the motion and the attached proposed protective order as reflecting assent by those defendants, which they had not given. Although the PSC maintains that the original motion was sufficiently clear on this point, in an abundance of caution and to address those defendants’ concerns, the PSC therefore is filing a Second Corrected Proposed Qualified Protective Order herewith, and represents to the Court that the defendants may respond to the PSC and Cumberland’s motion for entry of this qualified protective order (D.E. 2841) in the normal course.²

¹ Those defendants are Specialty Surgery Center – Crossville, PLLC, Dr. Kenneth R. Lister, M.D., and Kenneth R. Lister, M.D., P.C.

² The PSC also notes that the Court should ignore the proposed order filed at D.E. 2846, which inadvertently reflects the same version previously filed at D.E. 2842. The operative proposed order is the Second Corrected Proposed Qualified Protective Order attached herewith.

Date: May 4, 2016

Respectfully submitted:

/s/ Benjamin A. Gastel

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CERTIFICATE OF SERVICE

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing document to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: May 4, 2016

/s/ Benjamin A. Gastel
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